

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ALVIN C. BAIRD

Plaintiff,

v.

EMPIRE STATE COLLEGE, et al.

Defendants.

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CIVIL ACTION NO. JFM-06-2061

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**MEMORANDUM**

Pending is a civil rights complaint filed by plaintiff Alvin C. Baird, a Maryland resident, against defendants Empire State College and faculty members Joseph B. Moore, and Meg Benke. Plaintiff has filed a motion for leave to proceed in forma pauperis which will be granted. After careful consideration of the pleading, the court will dismiss the complaint without prejudice.

Plaintiff is a student who has enrolled at various times in distance learning classes conducted by Empire State College through the internet or the United States mail. The gravamen of the claims presented is that defendants improperly expelled him from the college. Although plaintiff claims defendants have violated his civil rights under Title VI of the Civil Rights Act of 1964, his grievances fail to support a civil rights claim. For example, plaintiff complains that Meg Benke improperly expelled him for failing to maintain sufficient college credits. Plaintiff describes her as "vindictive and using her power to retaliate for the times that the plaintiff protested the behavior to the faculty." Plaintiff also complains that he was expelled for making harassing threats against Meg Benke. Plaintiff, however, does not state he is a member of a protected class, allege discriminatory animus, nor otherwise provide any basis to support his contention that his civil rights have been violated.<sup>1</sup>

To the extent plaintiff intends to bring this matter pursuant to diversity of the parties, 28 U.S.C. § 1332 provides that "district courts shall have original jurisdiction of all civil actions where

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<sup>1</sup> As best as the court can discern from this pro se pleading, it does not appear that plaintiff has stated a cause of action for improper use of United States mail.

the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between" parties that reside in different states. Plaintiff does not indicate the amount in controversy here, and the statutory minimum for diversity jurisdiction has not been satisfied. Absent diversity jurisdiction, the complaint fails to support a cognizable federal claim over which this court may exercise subject matter jurisdiction. Accordingly the court shall dismiss the complaint without prejudice. A separate order follows.

August 22, 2006  
Date

/s/  
J. Frederick Motz  
United States District Judge